

### **REMARKS**

Claims 1-3, 5-11 and 13-15 were pending when the outstanding Office Action was mailed on March 17, 2008. Claims 1 and 10 have been amended, and no claims have been canceled. Support for the amendments to claims 1 and 10 can be found at, for example, page 6, lines 6-23, of the originally filed specification. Accordingly, claims 1-3, 5-11 and 13-15 remain pending in this application. In the Office Action dated March 17, 2008, claims 1-3, 5-11, and 13-15 were rejected under 35 U.S.C. 103(a) as being unpatentable over James et al., *The Mechanics of Airway Narrowing in Asthma*, ("James") in combination with U.S. Patent No. 5,053,033 ("Clarke"), International Publication No. WO97/37715 ("Waksman"), and U.S. Patent No. 5,574,059 ("Regunathan").

As a preliminary matter, the applicant would like to thank the Examiner for holding a personal interview on June 25, 2008. During the interview, a proposed Declaration of Michael D. Laufer, M.D., under 37 C.F.R. § 1.132, amended claims 1 and 10, and the James, Clark, Waksman and Regunathan references were discussed. As set forth in the Examiner's Interview Summary dated June 25, 2008, agreement was reached that the declaration of Michael D. Laufer, M.D., overcomes the applied rejections. The applicant respectfully requests that this paper constitute the Applicant's Interview Summary.

A. Response to the Section 103(a) Rejection


Claims 1-3, 5-11, and 13-15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of James, Clarke, Waksman and Regunathan. Pursuant to the agreement reached during the personal interview on June 25, 2008, the Declaration of Michael D. Laufer, M.D., Under 37 C.F.R. § 1.132 overcomes this rejection. Therefore, the applicant respectfully requests withdrawal of the outstanding rejection.

B. Conclusion

In view of the foregoing, the pending claims comply with the requirements of 35 U.S.C. § 112 and are patentable over the applied art. The applicant accordingly requests reconsideration of the application and respectfully submits that the application is in condition for allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to contact Paul T. Parker at (206) 359-8000.

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Respectfully submitted,

By 

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